

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DR. LAMAR COLLINS AND	§	
ROSE COLLINS,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 6:21-cv-657-ADA-JCM
	§	
ROBINSON INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Defendant.	§	

**DEFENDANT’S RESPONSE TO PLAINTIFFS’
MOTION TO STRIKE DEFENDANT’S ANSWER**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Defendant Robinson Independent School District (“Robinson ISD” or “District”) and files this its Response to Plaintiffs’ Motion to Strike Defendant’s Answer and would show the Court the following:

I. RESPONSE

1. Defendant’s Answer was sufficient under Federal Rule of Civil Procedure 8(b)(3), because it included a general denial subject to allegations specifically admitted to, and then clearly indicated which allegations were admitted to by individually stating each allegation.
2. The Rules permit a defendant to “generally deny all [allegations] except those specifically admitted.” FED. R. CIV. P. 8(b)(3). Plaintiffs are incorrect in asserting Defendant’s Answer does not admit any of the specific allegations. Here, Defendant generally denied Plaintiffs’ allegations, and then immediately identified with specificity which allegations of Plaintiffs’ it admitted to. The Rules do not require Defendant to refer to Plaintiffs’ numbering in admitting to allegations—they only require that Defendant make admissions in a manner that “indicates clearly” which allegations are being admitted to or denied.

3. Here, Defendant's admissions include word-for-word reproductions of statements from Plaintiffs' allegations. A verbatim reproduction of Plaintiffs' allegations on its face meets the Rule 8(b)(3) standard to clearly indicate which allegations are admitted to and which are not. Because Defendant's Answer meets the standard of Rule 8(b)(3), Defendant asks the Court to deny Plaintiffs' Motion.

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant urges this Court to deny Plaintiffs' Motion to Strike Defendant's Answer. Further, Defendant requests the Court grant such other and further relief, both general and specific, in law or at equity, as the Court deems just and proper.

Respectfully submitted,

By: /s/ Kelley L. Kalchthaler

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 2021, a true and correct copy of the foregoing notice was served upon Plaintiffs through their counsel as follows:

Mr. Colin Walsh
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Via Electronic Case Filing

/s/ Kelley L. Kalchthaler
Kelley L. Kalchthaler